

David A. Weibel, OSB# 082316  
[dweibel@bwmlegal.com](mailto:dweibel@bwmlegal.com)  
Bishop, White, Marshall & Weibel, P.S.  
720 Olive Way, Suite 1201  
Seattle, WA 98101-1803  
Telephone – 206/622-5306  
Facsimile – 206/622-0354

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

DENISE COOK and KENNETH COOK

Plaintiffs,

v.

BENEFICIAL OREGON INC., a Delaware  
Corporation; SHAPIRO & SUTHERLAND,  
LLC, a Washington State LLC

Defendants.

Case No. 10-cv-03121-PA

DEFENDANT BENEFICIAL OREGON  
INC.'S OPPOSITION TO PLAINTIFFS'  
CONCISE STATEMENT OF FACTS

Defendant Beneficial Oregon, Inc. ("Beneficial Oregon") respectfully submits this  
response to Plaintiffs' Concise Statement of Facts.

1. Beneficial Oregon has provided sworn testimony that the Note and Deed of Trust  
have not been assigned, transferred, or sold. Beneficial Oregon is the holder and possessor of the  
Note and Deed of Trust.

1.<sup>1</sup> The documents referred to by Plaintiffs are copies of the Loan Agreement between Plaintiffs and Beneficial Oregon.

2. The physical location of the original note is not relevant to Beneficial Oregon's ownership of the plaintiff's loan.

3. The physical location of the original note is not relevant to Beneficial Oregon's ownership of the plaintiff's loan.

4. The document Plaintiffs refer to is the Loan Agreement. The loan number has been partially crossed out and another number has been written in.

5. The document Plaintiffs refer to is the Loan Agreement. The loan number has been partially crossed out and another number has been written in.

6. Denied. The two documents are identical, with the exception of the handwritten notes.

7. Admitted.

8. Beneficial Oregon cannot respond to Fact No. 8 because it has not been provided with the Mortgage Statement referred to therein. As Beneficial Oregon made clear in its Motion for Summary Judgment, Beneficial Oregon is a wholly owned subsidiary of HSBC. As such, it is not surprising that HSBC's name would appear in connection with loans serviced by Beneficial Oregon.

9. Beneficial Oregon cannot respond to Fact No. 9 because it has not been provided with the checking statement referred to therein.

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<sup>1</sup> Beneficial Oregon notes that Plaintiffs labeled their first two paragraphs in their Statement of Facts as No. 1. Beneficial Oregon will use Plaintiffs' numbering for ease of reference.

10. Beneficial Oregon cannot respond to Fact No. 10 because it has not been provided with the checking statement referred to therein.

11. Beneficial Oregon cannot respond to Fact No. 11 because it has not been provided with the checking statement referred to therein.

12. Beneficial Oregon admits that the document referred to by Plaintiffs contains the cited language. Beneficial Oregon denies that the document has any relation to Plaintiffs' loan.

13. Plaintiffs' case is premised upon their assertion that their loan was securitized and sold their loan to HSBC-HELC and that the loan was then made subject to a Pooling Agreement. Only home equity loans can be sold to HSBC-HELC and are subject to the Pooling Agreement referenced. If Plaintiffs admit that their loan is not a home equity line of credit, their argument relating to the sale and securitization of their loan necessarily fails.

14. Beneficial Oregon admits that the document referenced by Plaintiffs in Fact No. 14 speaks for itself. Beneficial Oregon denies that the document has any relation to Plaintiffs' loan.

15. The document Plaintiffs refer to in Fact No. 15 is the Loan Agreement. Beneficial Oregon admits that the Loan Agreement contains a section that discusses the Pay Right Rewards Program, however, that provision is on page 5 of the Agreement, rather than page 6.

16. Beneficial Oregon cannot respond to Fact No. 16 because it has not been provided with the documents referred to therein.

Dated this 13th day of April, 2011.

/s/ David A. Weibel  
David A. Weibel, OSB #082316  
Attorney for Beneficial Oregon, Inc.  
[dweibel@bwmlegal.com](mailto:dweibel@bwmlegal.com)  
Bishop, White, Marshall & Weibel, P.S.  
720 Olive Way, Suite 1201  
Seattle, WA 98101